HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15543 OF 1999

Dated 22ND AUGUST, 2007

Between
Prabhat Talkies, a partnership firm,
Rep. By its Managing Partner, Sri P.Maheswara Rao

…Petitioner

and

Pedana Nagar Panchayat, rep. By its Executive Officer,
Pedana Town, Krishna District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15443 of 1999

ORDER:

The petitioner, a partnership firm running a theatre, seeks Writ of Mandamus to declare the action of the respondents in encroaching upon the existing 30 feet wide public passage in front of their theatre in Sy.No. 574 of Pedana Nagar Panchayat, for the purpose of constructing bus-shelter as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition that in front of the petitioner-theatre, there is 30 feet wide road connecting Machilipatnam-Kalluru highway and the respondents 1 and 2 have allowed the third respondent to construct bus-shelter in an area of 18 feets out of the 30 feet existing road. Precisely, it is the grievance of the petitioner that no construction of bus-shelter on the road portion by the third respondent can be permitted.

Counter affidavit is filed by the second respondent on behalf of the respondents. While generally denying the allegations of the petitioner, it is stated that there is a piece of government land, which was being used as pathway, and, on the request of the third respondent, it was allotted for construction of bus-shelter. It is further stated in the counter affidavit that there is no 30 feet road and no constructions are being made on the road margin, as alleged by the petitioner.

In view of the counter affidavit, it is clear that a piece of government land, which was lying vacant, was allotted to the third respondent for constructing bus-shelter. In that view of the matter, it cannot be said that constructions are being permitted on the road itself as alleged by the petitioner. There is also no material to show that there is 30 feet road in front of the petitioner-theatre.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

-

JUSTICE R. SUBHASH REDDY

DATE:22-8-2007.
Msnr.